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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,387	07/23/2003	John C. Pederson	E30.2H-11235-US01	2365
490	7590	08/02/2005		EXAMINER
		VIDAS, ARRETT & STEINKRAUS, P.A.		ZEADE, BERTRAND
		6109 BLUE CIRCLE DRIVE		
		SUITE 2000	ART UNIT	PAPER NUMBER
		MINNETONKA, MN 55343-9185	2875	

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/625,387	PEDERSON	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bertrand Zeade	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 June 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 15-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 20-28 is/are rejected.  
 7) Claim(s) 15-19 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 11/8/04.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicants' arguments with respect to claims 15-28 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicants argued that the Pederson (U.S.6814459) does not teach a pod illumination device. In addition, the alleged base 20 of fig. 3 of the reference (Pederson) extends upwardly, where the LEDs extend outwardly or horizontally outward with respect to the base. Applicants argued further that fig. 3 of the Pederson reference does not teach a plurality of LED mounts or a plurality of LED mounts extending upwardly from a base.
3. In response to Applicants arguments, Roney et al (U.S.5632551 and Lebens et al. (U.S.6095661) as cited below read over Applicants' amended claims 15-19.

### ***4. Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roney et al. (U.S.5632551) in view of John Malcolm Bradley (GB 2175428A).

Roney ('551) discloses an LED vehicle lamp assembly having:

Regarding claim 15 as shown in (fig. 2), a substantially horizontal mounting base or circuit board (20) having a plurality of LED (12) mounts, the LED mounts extending upwardly from the base (20). A plurality of light emitting diodes arranged about and attached to the LED mounts. A cover or lens (232, fig. 6), the cover enclosing the base or board (220, fig. 6), the LED support, the plurality of light emitting diodes (12).

Regarding claim 16, at least one of the LED (12) mounting surfaces comprising at least one slot or opening (col. 4, lines 49-51).

Regarding claim 17 at least one of the plurality of light emitting diodes (12) comprising a wire traversing the at least one slot or openings (col. 4, lines 49-51).

Regarding claim 18 as shown in (fig. 6), the LED (12), mounting surfaces define an outward face, the plurality of light emitting diodes being engaged to the outward face.

Roney does not disclose a controller as applied to claim 1 above.

However, John Malcolm Bradley teaches a controller (7) in electric communication with the plurality of lamps (page 1, lines 59-62); the controller (page 1, lines 110-112) is constructed and arranged to activate the plurality of lamps to produce light signal. The plurality of lamps receiving power from a power source (page 1, lines 93-97).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use LED vehicle lamp assembly of Roney with the controller taught by John Malcolm Bradley, since the controller of John Malcolm Bradley, would provide switching system into different lamp of Roney with an illumination having information characteristic of such different messages for the public.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roney in view of J.B. Fore (U.S.2082279).

Regarding claim 19 as shown in (fig. 3), Roney discloses substantially the claimed invention as noted above in claim 18. Roney does not suggest an insulator clip or clip insulator.

J.B. Fore ('279) discloses a clip insulators (A) as shown in (figs. 1 and 2) which insulate the exposed terminals. However, the use of clip insulator or insulator clip to protect electrical elements or devices so that damage from fire, short circuit, as well as injury from shock is obviated has been well known practice in the art. Therefore, to provide Roney with the insulator clip or clip insulator of being constructed and arranged to position one of the light elements between the insulator clip and the outward face, would have been obvious to one having ordinary skill in the art.

***Allowable Subject Matter***

6. Claims 20-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:  
The prior art of record fails to suggest either singly or in combination or to anticipate or render obvious the limitations of claim 20 as cited: The pod illumination device including a retaining clip, the retaining clip being constructed and arranged to releasably secure the insulator clip and at least one of the plurality of light emitting diodes to the outward face of one of the LED mounting surfaces.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 571-272-2387. The examiner can normally be reached on 9:30 AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bertrand Zeade  
Examiner  
Art Unit 2875



JOHN ANTHONY WARD  
PRIMARY EXAMINER